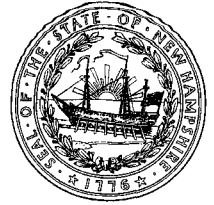




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

March 3, 2006

James Mullane
Jim's Marine Sales
592 Sunapee Street
Newport, NH 03773

LETTER OF DEFICIENCY# WSEB 06-036
Certified Mail# 7099 3400 0003 6156 5804

**Subject: Newport, Jim's Marine Sales, Sunapee Street,
Open Floor Drain to the Environment (DES# 200506188)**

Dear Mr. Mullane:

The records of the Department of Environmental Services (DES) show that the subject facility recently conducted and submitted a Level I Site Investigation Report dated September 1, 2005, to DES. Consequently, DES responded in a letter dated January 9, 2006, addressing several items relative to the report. This letter is in response to Item #2 of the DES letter concerning the floor drains and wastewater discharges to the environment via the floor drain system.

Pursuant to NH Admin. Rule Env-Ws 1503.04(c) of the *Groundwater Discharge Permit and Registration Rules*, and successor rules, it is unlawful to have a floor drain that discharges to the environment in any area(s) where regulated substances are used or stored. DES believes the violation identified in the report can be corrected and future violations prevented by taking one of the following actions **by April 1, 2006**:

1. Complete and submit to DES a pre-closure notification form to seal the floor drain exit with an impermeable material, such as concrete. Once the pre-closure form is approved by DES, close the drain and submit written confirmation of this action within 10 days of the date of the DES approval letter; or
2. Submit to DES for approval a schedule to reroute the discharges to the municipal sewer system (if available); or
3. Submit to DES for approval a schedule to reroute the discharges to a holding tank. (DES requires holding tanks to be registered.)

Enclosed, please find a Floor Drain Pre-Closure Notification Form and a Holding Tank Registration Form for your use. **By April 1, 2006**, please submit the Pre-Closure Form to close the drain(s), or a schedule to reroute discharges to either a holding tank or municipal sewer. If the floor drain system is part of a remedial action plan and closure would prohibit cleanup, please notify this office as soon as possible.

In the event compliance is not achieved within this period, DES may take further enforcement action, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

All correspondence and documentation as requested should be addressed as follows:

Mitchell D. Locker
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Please contact Mitchell Locker by e-mail at mlocker@des.state.nh.us, or by phone at (603) 271-2858, if you have any questions regarding this letter.

Sincerely,

COPY

Sarah Pillsbury, P.G., Administrator
Water Supply Engineering Bureau



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encl: Floor Drain Pre-Closure Notification Form
Holding Tank Registration Form

cc w/o encl: Gretchen R. Hamel, DES Legal Unit Administrator
Brandon Kernen, WSEB
Steve Croce, WMD
File# 200506188